

# **UPTP Legal Division EPOs**

All sessions are 2 hours except for Drug Offenses (1hr session)

## **Exam 1 - EO1**

### **Constitutional Law**

Identify the powers of the legislative, executive, and judicial branches of the United States Government. **[MEPO 1080-1]**

Identify the rights and privileges guaranteed to citizens by the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the Constitution. **[MEPO 1080-2]**

Identify how the United States Constitution applies to law enforcement officer behavior. **[MEPO 1080-3]**

Identify the components of the criminal justice system that originate in the United States Constitution. **[MEPO 1080-4]**

### **Use of Force Legal Aspects**

Identify the legal standards outlined in Graham v. Connor for the use of force during the seizure of an individual. **[MEPO 1212-1]**

Identify when deadly force is objectively reasonable. **[MEPO 1212-2]**

Identify legal issues associated with the use of intermediate weapons, such as striking instruments and chemical sprays. **[MEPO 1212-3]**

Identify the elements of “qualified immunity” and when a law enforcement officer sued for excessive use of force is entitled to it. **[MEPO 1212-4]**

## **Exam 2 - EO2**

### **Officer Liability**

Identify the elements, applicability, and scope of 42 U.S.C. § 1983 and the Bivens Analogy. **[MEPO 1023-2]**

Recognize the most common incidents of civil liability for Federal Law Enforcement Officers under Bivens and the defense of qualified immunity. **[MEPO 1023-3]**

Recognize incidents of potential civil liability for Federal Law Enforcement Officers under state tort theories and the FTCA protection from individual liability. **[MEPO 1023-4]**

## **Exam 2 - E02 continued**

### **Fourth Amendment**

#### **11 Sessions**

**In addition there are 2 labs**

Recognize when the Fourth Amendment applies to governmental action. [MEPO 1211-1]
Identify situations in which a reasonable expectation of privacy exists. [MEPO 1211-2]
Identify appropriate actions that may be taken when reasonable suspicion exists. [MEPO 1211-3]
Identify when law enforcement officers may or may not use race to justify stops or arrests in accordance with Department of Justice guidelines. [MEPO 1211-4]
Identify when probable cause exists to the extent that an arrest or search may be justified. [MEPO 1211-5]
Identify the origin, purpose and scope of the exclusionary rule. [MEPO 1211-6]
Identify exceptions to the exclusionary rule, e.g., no standing to object, good faith, inevitable discovery and impeachment. [MEPO 1211-7]
Identify the limitations of an arrest warrant. [MEPO 1211-8]
Identify when an arrest involving a felony requires the use of a warrant. [MEPO 1211-9]
Identify when an arrest involving a misdemeanor requires the use of a warrant. [MEPO 1211-10]
Identify the conditions under which an officer may use force to execute a warrant (search or arrest) according to the provisions of Title 18 U.S.C. § 3109. [MEPO 1211-11]
Identify the scope and purpose of a protective sweep. [MEPO 1211-16]
Identify circumstances in which evidence may be seized under the plain view doctrine. [MEPO 1211-18]
Identify fact situations where warrantless searches are allowed regarding motor vehicles. [MEPO 1211-19]
Identify fact situations where warrantless searches are allowed during exigent circumstances, e.g., hot pursuit, destruction or removal of evidence, and emergency scenes. [MEPO 1211-20]
Identify the requirements and scope of a search incident to a lawful arrest. [MEPO 1211-21]
Identify circumstances in which a suspect's consent to search is voluntary. [MEPO 1211-22]
Identify the circumstances in which a third party has actual or apparent authority to grant consent to search a suspect's property. [MEPO 1211-23]
Identify the requirements allowing an inventory of lawfully impounded personal property. [MEPO 1211-24]
Identify the circumstances when an inspection is permitted for real and personal property. [MEPO 1211-25]

#### **Notes to 4<sup>th</sup> Amendment:**

**1. 4<sup>th</sup> Amendment Skills Lab (4 hours.)**

**2. 4<sup>th</sup> Amendment Computer Based Skills Assessment Lab (2 hours).**

## **EXAM 4 – EO4**

### **Drug Offenses**

**1 hour class**

Identify and apply the elements of Title 21 U.S.C. §844. [MEPO 1093-1]
Identify and apply the elements of Title 21 U.S.C. §841. [MEPO 1093-2]

## **Exam 5 - EO5**

### **Courtroom Evidence**

#### **2 Sessions**

Identify the procedural stages of a criminal trial. <b>[MEPO 1121-1]</b>
Describe relevant, direct, and circumstantial evidence. <b>[MEPO 1121-2]</b>
Identify the matters about which a lay witness can testify. <b>[MEPO 1121-3]</b>
Identify factors that can affect witness credibility and the need to collect information regarding a witness' credibility. <b>[MEPO 1121-4]</b>
Describe how evidence should be collected so a foundation can be laid in court. <b>[MEPO 1121-6]</b>
Describe how statements and reports are used to aid law enforcement officers in courtroom testimony and in preparation for testimony. <b>[MEPO 1121-8]</b>

### **Courtroom Testimony**

Identify the characteristics that make law enforcement officers effective witnesses. <b>[MEPO 1031-1]</b>
Identify essential Law Enforcement Officer testimonial skills. <b>[MEPO 1031-2]</b>
Identify common techniques used to impeach witnesses during cross-examination. <b>[MEPO 1031-3]</b>
Identify subjects that should not be volunteered by a witness when testifying. <b>[MEPO 1031-4]</b>

#### **Notes to Courtroom Testimony:**

Students take Computer Training (Courtroom Testimony lecture) on their own before coming to class. This CBT is testable. The CBT content is found in the Student Handbook.

### **Federal Court Procedures**

#### **2 Sessions**

Identify the structure and functions of the Federal court system, and the duties of US Federal District Court and Magistrate Court Judges. <b>[MEPO 1130-1]</b>
Identify the methods of causing a defendant to appear before a United States Magistrate Judge. <b>[MEPO 1130-2]</b>
Identify the proper procedures to follow immediately after arrest and the purpose of and procedure at the initial appearance and detention hearing. <b>[MEPO 1130-3]</b>
Identify the proper procedure to follow when a criminal incident involves a diplomat or Congressperson and the proper procedure after the arrest of a juvenile. <b>[MEPO 1130-5]</b>
Identify the proper procedure to follow in notifying a foreign national's consular representative when a criminal incident involves the arrest of a foreign national. <b>[MEPO 1130-6]</b>

### **Federal Criminal Law**

#### **3 Sessions**

#### **FCL 1**

Identify and apply the elements of a criminal statute. <b>[MEPO 1091-1]</b>
Distinguish between a felony and a misdemeanor. <b>[MEPO 1091-2]</b>
Identify and apply the Assimilative Crimes Act and distinguish between exclusive, concurrent, and proprietary jurisdiction. <b>[MEPO 1091-3]</b>
Identify and apply the elements of Title 18 U.S.C. §111. <b>[MEPO 1091-4]</b>
Identify and apply the elements of Title 18 U.S.C. §201. <b>[MEPO 1091-5]</b>

## **Exam 5 - EO5 continued**

### **Federal Criminal Law FCL 2**

Identify categories of individuals prohibited from possessing firearms. **[MEPO 1091-6]**

Identify and apply procedures to initiate a firearms trace through the Bureau of Alcohol, Tobacco, & Firearms. **[MEPO 1091-7]**

Identify the weapons listed in Title 18 U.S.C. §922(a)(4) that require registration with the Bureau of Alcohol, Tobacco, & Firearms and those weapons prohibited on a federal facility. **[MEPO 1091-8]**

### **Federal Criminal Law FCL 3**

Identify and apply the elements of Title 18 U.S.C. §1001. **[MEPO 1091-11]**

Identify and apply the elements of 18 U.S.C. §641. **[MEPO 1091-24]**

Identify when a person may be prosecuted for assisting another in the commission of a crime in accordance with Title 18 U.S.C. §§2-4. **[MEPO 1091-18]**

### **5<sup>th</sup> and 6<sup>th</sup> Amendments 2 Sessions**

Identify when the Fifth Amendment privilege against self-incrimination is applicable. **[MEPO 1214-1]**

Identify when Miranda warnings are required. **[MEPO 1214-2]**

Identify a valid Miranda waiver. **[MEPO 1214-3]**

Identify how to proceed after a suspect invokes a Miranda right. **[MEPO 1214-4]**

Identify how the Fifth Amendment due process clause affects eye-witness identification procedures. **[MEPO 1214-7]**